

Officer History

Officer Name: Cepeda, Manuel

Tax ID: 960348

Sex: M

Shield: 17265

Race: Hispanic

Rank: PO

Command: 585

Birth Year: [REDACTED]

Appt Date: 01/06/2016

Age: [REDACTED]

Tenure: 6

CCRB #	CMD	Incident Date	Reported Date	Allegation	Allegation Disposition	Board Discipline Recommendation*	NYPD Allegation Disposition	NYPD MOS Penalty
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
202102972	101	05/15/2021	05/17/2021	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				OPMN - Failure to prepare a memo book entry	OPMN**			
				[REDACTED]	[REDACTED]			
				Total Charges = 8	Total Cases = 2			

*Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is separate and apart from the disposition of the allegations substantiated against the officer.

**Complaints closed after December 2021 use the terminology "Other Possible Misconduct Noted" (OPMN). Complaints closed prior to December 2021 use the terminology "Other Misconduct Noted" (OMN).

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202102972	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input checked="" type="checkbox"/> O.L. <input type="checkbox"/> Injury	
Incident Date(s) Saturday 05/15/2021 2:00 PM Saturday 05/15/2021 2:00 PM	18 Mo. SOL 11-15-2022 11-15-2022	EO SOL 11-15-2022 11-15-2022	Location of Incident: [REDACTED]	Precinct: 101
Date/Time CV Reported Mon, 05/17/2021 1:53 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 05/17/2021 1:53 PM	

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED] New York NY 10001

Witness(es)	Home Address
1. [REDACTED]	Unknown

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	10108	943156	101 PCT
2. POF [REDACTED]	14542	965938	101 PCT
3. POM [REDACTED]	23915	965438	101 PCT
4. POM [REDACTED]	22096	962675	101 PCT
5. POM Manuel Cepeda	17265	960348	101 PCT
6. POM [REDACTED]	05769	951636	101 PCT
7. An officer			

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]	A . Unfounded
B . POM [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	B . Unfounded
C . POM [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks based on [REDACTED] gender identity.	C . Unfounded
D . POM [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	D . Unfounded
E . POM [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the gender of [REDACTED]	E . Unfounded
F . POM [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	F . Unfounded
G . POM [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED]	G . Unfounded
H . An officer	Abuse of Authority: At 10-21 Beach 21st Street in Queens, an officer threatened to arrest [REDACTED]	H . Unfounded

Officer(s)	Allegation	Investigator Recommendation
I . POF [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED]	I . Miscellaneous - Subject Resigned
J . POM [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED]	J . Unfounded
K . POM Dominick Penna	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna threatened to arrest [REDACTED]	K . Unfounded
L . POM Manuel Cepeda	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda threatened to arrest [REDACTED]	L . Unfounded
M . POM [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED]	M . Unfounded
N . POM [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon race.	N . Unfounded
O . POM [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	O . Unfounded
P . POM [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]	P . Unfounded
Q . POM [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	Q . Unfounded
R . POM Dominick Penna	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna made remarks to [REDACTED] based upon race.	R . Unfounded
S . POM Dominick Penna	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna spoke discourteously to [REDACTED]	S . Unfounded
T . POM Dominick Penna	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]	T . Unfounded
U . POM Dominick Penna	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna spoke discourteously to [REDACTED]	U . Unfounded
V . POM Manuel Cepeda	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda made remarks to [REDACTED] based upon race.	V . Unfounded
W . POM Manuel Cepeda	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda spoke discourteously to [REDACTED]	W . Unfounded
X . POM Manuel Cepeda	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]	X . Unfounded

Officer(s)	Allegation	Investigator Recommendation
Y . POM Manuel Cepeda	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda spoke discourteously to [REDACTED]	Y . Unfounded
Z . POM [REDACTED] [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] made remarks to [REDACTED] based upon race.	Z . Unfounded
AA. POM [REDACTED] [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] spoke discourteously to [REDACTED]	AA. Unfounded
AB. POM [REDACTED] [REDACTED]	Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]	AB. Unfounded
AC. POM [REDACTED] [REDACTED]	Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] spoke discourteously to [REDACTED]	AC. Unfounded
AD. POF [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.	AD. Miscellaneous - Subject Resigned
AE. POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.	AE. Exonerated
AF. POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.	AF. Exonerated
AG. POF [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched 10-21 Beach 21st Street, Room 207, in Queens.	AG. Miscellaneous - Subject Resigned
AH. POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched 10-21 Beach 21st Street, Room 207, in Queens.	AH. Unfounded
AI. POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched 10-21 Beach 21st Street, Room 207, in Queens.	AI. Unfounded
AJ. POM [REDACTED] [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] forcibly removed [REDACTED] to the hospital.	AJ. Exonerated
AK. POF [REDACTED] [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] forcibly removed [REDACTED] to the hospital.	AK. Miscellaneous - Subject Resigned
AL. POM [REDACTED] [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] forcibly removed [REDACTED] to the hospital.	AL. Exonerated
AM. POM Dominick Penna	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna forcibly removed [REDACTED] to the hospital.	AM. Exonerated
AN. POM Manuel Cepeda	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda forcibly removed [REDACTED] to the hospital.	AN. Exonerated
AO. POM [REDACTED] [REDACTED]	Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] forcibly removed [REDACTED] to the hospital.	AO. Exonerated
AP. POM [REDACTED] [REDACTED]	Offensive Language: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] [REDACTED] made remarks based on [REDACTED] [REDACTED] gender identity.	AP. Unfounded
AQ. POM [REDACTED] [REDACTED]	Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] [REDACTED] spoke discourteously to [REDACTED]	AQ. Unfounded

Officer(s)	Allegation	Investigator Recommendation
AR. POM [REDACTED]	Offensive Language: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the gender of [REDACTED]	AR. Unfounded
AS. POM [REDACTED]	Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	AS. Unfounded
AT. POM [REDACTED]	Offensive Language: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived mental disability of [REDACTED]	AT. Unfounded
AU. POM [REDACTED]	Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]	AU. Unfounded
AV. POM [REDACTED]	Other Possible Misconduct Noted: Police Officer [REDACTED] failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.	AV. Other Possible Misconduct
AW. POM Dominick Penna	Other Possible Misconduct Noted: Police Officer Dominick Penna failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.	AW. Other Possible Misconduct
AX. POM Manuel Cepeda	Other Possible Misconduct Noted: Police Officer Manuel Cepeda failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.	AX. Other Possible Misconduct
AY. POM [REDACTED]	Other Possible Misconduct Noted: Police Officer [REDACTED] failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.	AY. Other Possible Misconduct

Case Summary

On May 17, 2021, [REDACTED] filed the following complaint via the CCRB's website.

On May 15, 2021, at approximately 2:00 p.m., Ms. [REDACTED] was at the Pam's Place shelter, located at 10-21 Beach 21st Street in Queens, when she encountered a shelter client who she allegedly had an order of protection against. As a result, Ms. [REDACTED] called 911 and Police Officer [REDACTED] Police Officer [REDACTED] Police Officer [REDACTED] Police Officer Dominick Penna, Police Officer Manuel Cepeda, and Police Officer [REDACTED] all of the 101st Precinct, arrived on scene. Officers spoke with Ms. [REDACTED] and a shelter staff member, [REDACTED] about the incident. During the interaction, PO [REDACTED] allegedly called Ms. [REDACTED] a "faggot", "tranny", "whore", "slut", and told her that she was "just some fucking whore inside a shelter" (**Allegations A-F: Offensive Language; Discourtesy, unfounded**). PO [REDACTED] allegedly told Ms. [REDACTED] "you're being aggressive; I can arrest you for being aggressive" (**Allegation G: Abuse of Authority, unfounded**). An officer allegedly told Ms. [REDACTED] "if we want to arrest you, we can charge you with resisting arrest" (**Allegation H: Abuse of Authority, unfounded**). PO [REDACTED] PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] also allegedly threatened to arrest Ms. [REDACTED] (**Allegations I: Abuse of Authority, miscellaneous-subject resigned; Allegations J-M: Abuse of Authority, unfounded**). During the incident, PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] allegedly made remarks about Ms. [REDACTED] race and sexual orientation (**Allegations N-AC: Offensive Language; Discourtesy, unfounded**). PO [REDACTED] PO [REDACTED] and PO [REDACTED] entered Ms. [REDACTED] room, Room 207, at 10-21 Beach 21st Street in Queens (**Allegation AD: Abuse of Authority, miscellaneous-subject resigned; Allegation AE and AF: Abuse of Authority, exonerated**). While in Ms. [REDACTED] room, PO [REDACTED] PO [REDACTED] and PO [REDACTED] allegedly searched Ms. [REDACTED] dresser and closet (**Allegation AG: Abuse of Authority, miscellaneous-subject resigned; Allegations AH and AI: Abuse of Authority, unfounded**). PO [REDACTED] PO [REDACTED] PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] forcibly removed Ms. [REDACTED] to St. John's Episcopal Hospital in Queens (**Allegations AJ, AL, AM, AN, AO: Abuse of Authority, exonerated; Allegation AK: Abuse of Authority, miscellaneous-subject resigned**).

At St. John's Episcopal Hospital in Queens, PO [REDACTED] allegedly called Ms. [REDACTED] a "tranny", "whore", "slut" and "crazy" (**Allegations AP-AU: Offensive Language; Discourtesy, unsubstantiated**).

The investigation determined that PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] failed to prepare memo book entries for this incident (**Allegations AV-AY: Other, other possible misconduct noted**). No arrest or summonses resulted from this incident.

Body worn camera footage (BWC) was obtained for PO [REDACTED] PO [REDACTED] PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] the relevant aspects of which will be discussed in further detail below. Furthermore, because all the officers' BWCs capture the entirety of the incident, none of the officers were interviewed.

Surveillance footage was obtained from Pam's Place. However, there was no audio component; thus, the video does not capture the verbal allegations.

Findings and Recommendations

Allegation (A) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED]

Allegation (B) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

Allegation (C): Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks based on [REDACTED] gender identity.

Allegation (D) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

Allegation (E): Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the gender of [REDACTED]

Allegation (F): Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

The investigation established the following facts:

On the date of the incident, Ms. [REDACTED] who is homeless, was recently transferred to the Pam's Place shelter, located at 10-21 Beach 21st Street in Queens. Ms. [REDACTED] allegedly previously filed orders of protection against a shelter client and shelter staff members at Pam's Place, and vice versa. While Ms. [REDACTED] was at the shelter, she came in contact with one of the shelter clients who she had an order of protection against. As a result, Ms. [REDACTED] called 911 and two officers arrived on scene. The officers who arrived could not locate any orders of protection and thus were unable to further assist Ms. [REDACTED] and left the scene. Ms. [REDACTED] called 911, again, for assistance with her matter and PO [REDACTED] PO [REDACTED] PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] arrived on scene. The officers spoke with Ms. [REDACTED] about the matter, but they could not locate any orders of protection for Ms. [REDACTED] and Ms. [REDACTED] did not have a copy of the order of protection. The officers also spoke to Ms. [REDACTED] a shelter staff member, about Ms. [REDACTED] and the situation. After the officers spoke with Ms. [REDACTED] the officers called for an ambulance and Ms. [REDACTED] was subsequently transported in the ambulance to St. John's Episcopal Hospital in Queens.

Ms. [REDACTED] testified that prior to being transferred to Pam's Place shelter on May 15, 2021, she had filed orders of protection against a shelter client and shelter staff, and vice versa, from Pam's Place. Ms. [REDACTED] did not recall the names of the individuals she filed orders of protection against. However, the orders of protection were effective on March 12, 2021, and expired on November 15, 2021. Ms. [REDACTED] was in her room when PO [REDACTED] PO [REDACTED] PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] arrived, and they remained in the hallway as she spoke to them. While Ms. [REDACTED] was standing at the front door to her room, she explained to the officers that she came in contact with a shelter client who she had an order of protection against. After Ms. [REDACTED] explained the situation, PO [REDACTED] said, "What do you want us to do?" Ms. [REDACTED] told PO [REDACTED] that she wanted the shelter client arrested. PO [REDACTED] told Ms. [REDACTED] that "we are not arresting anyone. I don't know what you want us to do. People are saying you just came to this shelter and you [have] been calling the police." Because PO [REDACTED] was not addressing Ms. [REDACTED] issue, she requested to speak to another officer on scene, at which point, PO [REDACTED] allegedly called Ms. [REDACTED] a "faggot", "tranny", "whore" and "slut" and proceeded to tell Ms. [REDACTED] that she was "just some fucking whore inside a shelter." Ms. [REDACTED] responded, "whoa, that's fucking crazy. I want him away from me" (BR 01).

All of the officers' BWCs capture this aspect of the incident and none of the videos show PO [REDACTED] call Ms. [REDACTED] a "faggot", "tranny", "whore", and "slut", or say anything along the lines of "you [Ms. [REDACTED]] are just some fucking whore inside a shelter", nor does the BWCs show PO [REDACTED] use any offensive language towards Ms. [REDACTED] or speak to her in a discourteous manner (BR 02-13).

As BWC videos discredited Ms. [REDACTED] testimony that PO [REDACTED] used the aforementioned offensive language and spoke to Ms. [REDACTED] in a discourteous manner, the investigation determined that that PO [REDACTED] did not call Ms. [REDACTED] a "faggot", "tranny", "whore", and "slut", or tell her that she was "just some fucking whore inside a shelter." Therefore, it is recommended that **Allegations A-F** be closed as **unfounded**.

Allegation (G) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED]

Allegation (H) Abuse of Authority: At 10-21 Beach 21st Street in Queens, an officer

threatened to arrest [REDACTED] [REDACTED]

Allegation (I) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED] [REDACTED]

Allegation (J) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED] [REDACTED]

Allegation (K) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna threatened to arrest [REDACTED] [REDACTED]

Allegation (L) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda threatened to arrest [REDACTED] [REDACTED]

Allegation (M) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] threatened to arrest [REDACTED] [REDACTED]

Ms. [REDACTED] testified that during the incident, PO [REDACTED] said to Ms. [REDACTED] “you’re being aggressive. I can arrest you for being aggressive.” In response, Ms. [REDACTED] told PO [REDACTED] “you can’t arrest me for anything, sir. You need to leave, you need to move, excuse me.” Then, another officer told Ms. [REDACTED] “if we wanted to arrest you, we can charge you with resisting arrest.” After Ms. [REDACTED] testified to such, the investigation called her back to obtain a description of the officer who stated, “if we wanted to arrest you, we can charge you with resisting arrest.” Ms. [REDACTED] was unable to provide a description of the officer, and she further testified that all of the officers threatened to arrest her during the incident, although she did not testify to such in her initial statement. However, Ms. [REDACTED] was unable to specify what the officers said that constituted a threat of arrest (BR 01; BR 14).

All of the officers’ BWCs capture this aspect incident and none of the videos show PO [REDACTED] say anything along the lines of “I can arrest you for being aggressive”, nor does it show PO [REDACTED] make any threats of arrest towards Ms. [REDACTED]. Furthermore, the BWCs also do not show any other officer say anything along the lines of “if we wanted to arrest you, we can charge you with resisting arrest”, nor does it show any of the additional officers make any threats of arrest towards Ms. [REDACTED] (BR 02-13).

According to the Department Advocate’s Office (DAO), PO [REDACTED] resigned as of July 21, 2021 (BR 15).

All of the officers’ BWCs discredited Ms. [REDACTED] testimony that PO [REDACTED] said, “I can arrest you [Ms. [REDACTED] for being aggressive”, and that an officer told Ms. [REDACTED] “if we wanted to arrest you, we can charge you with resisting arrest.” Furthermore, none of the BWC videos show any of the officers make any threats of arrest towards Ms. [REDACTED]. Thus, the investigation determined that PO [REDACTED] did not tell Ms. [REDACTED] that he can arrest her for being aggressive, nor did any other officer tell Ms. [REDACTED] “if we wanted to arrest you, we can charge you with resisting arrest”, nor did any of the officers on scene threatened to arrest Ms. [REDACTED]. Therefore, it is recommended that **Allegations G and H**, as well as **Allegations J-M**, be closed as **unfounded**.

As PO [REDACTED] had resigned as of July 21, 2021, it is recommended that **Allegation I** be closed as **miscellaneous – subject resigned**.

Allegation (N) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon race.

Allegation (O) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED] [REDACTED]

Allegation (P) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived sexual orientation of [REDACTED] [REDACTED]

Allegation (Q) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED] [REDACTED]

Allegation (R) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED]

Dominick Penna made remarks to [REDACTED] [REDACTED] based upon race.

Allegation (S) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna spoke discourteously to [REDACTED] [REDACTED]

Allegation (T) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna made remarks to [REDACTED] [REDACTED] based upon the perceived sexual orientation of [REDACTED] [REDACTED]

Allegation (U) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna spoke discourteously to [REDACTED] [REDACTED]

Allegation (V) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda made remarks to [REDACTED] [REDACTED] based upon race.

Allegation (W) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda spoke discourteously to [REDACTED] [REDACTED]

Allegation (X) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda made remarks to [REDACTED] [REDACTED] based upon the perceived sexual orientation of [REDACTED] [REDACTED]

Allegation (Y) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda spoke discourteously to [REDACTED] [REDACTED]

Allegation (Z) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] made remarks to [REDACTED] [REDACTED] based upon race.

Allegation (AA) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] spoke discourteously to [REDACTED] [REDACTED]

Allegation (AB) Offensive Language: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] made remarks to [REDACTED] [REDACTED] based upon the perceived sexual orientation of [REDACTED] [REDACTED]

Allegation (AC) Discourtesy: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] [REDACTED] spoke discourteously to [REDACTED] [REDACTED]

Ms. [REDACTED] testified that after PO [REDACTED] and the officers allegedly threatened to arrest her, PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] started making comments about Ms. [REDACTED] race, as Ms. [REDACTED] mentioned to the officers at some point during the interaction that she was bi-racial. In addition, the noted officers made comments about Ms. [REDACTED] sexuality. However, Ms. [REDACTED] did not recall with specificity what the officers stated with regards to her race and sexuality (BR 01).

All of the officers' BWCs capture this aspect of the incident and none of the videos show PO [REDACTED] PO Penna, PO Cepeda, or PO [REDACTED] make any comments about Ms. [REDACTED] race and sexuality, nor do any of the noted officers use any offensive language or discourteous words towards Ms. [REDACTED] (BR 02-13).

All of the officers' BWC videos discredit Ms. [REDACTED] testimony that PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] made comments about Ms. [REDACTED] race and sexuality. Thus, the investigation determined that that none of the aforementioned officers made any comments about Ms. [REDACTED] race and sexuality. It is therefore recommended that **Allegations N-AC** be closed as **unfounded**.

Allegation (AD) Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.

Allegation (AE) Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.

Allegation (AF) Abuse of Authority: Police Officer [REDACTED] [REDACTED] entered 10-21 Beach 21st Street, Room 207, in Queens.

Allegation (AG) Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched 10-21 Beach 21st Street, Room 207, in Queens.

Allegation (AH) Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched 10-21

Beach 21st Street, Room 207, in Queens.

Allegation (AI) Abuse of Authority: Police Officer [REDACTED] searched 10-21 Beach 21st Street, Room 207, in Queens.

Ms. [REDACTED] testified that during the incident, PO [REDACTED] informed her that the shelter staff members wanted her to go to the hospital. In response, Ms. [REDACTED] told PO [REDACTED] "Fine, I'll go to the hospital." After Ms. [REDACTED] agreed to go to the hospital, she went inside her room to gather her belongings. The officers asked Ms. [REDACTED] if they could come in her room and she said "sure" because it was no longer her room because she was being transferred to another shelter. Although Ms. [REDACTED] told the officers that they could come inside her room, she testified that she felt that she did not have an option to tell them no because it was already decided that she was going to the hospital. Ms. [REDACTED] further testified that all of officers on scene went inside her room and they all looked inside her dresser and closet for no more than five minutes. Ms. [REDACTED] did not say anything to the officers as they looked in her dresser and closet, and Ms. [REDACTED] did not recall if any of the officers took any of her belongings. Once Ms. [REDACTED] gathered her things, she walked out of the room and the officers followed (BR 01; BR 14).

At the 11:00 minute mark of PO Cepeda's BWC, PO [REDACTED] asks Ms. [REDACTED] if she wants to walk downstairs so EMS can speak with her. Ms. [REDACTED] says that she is fine with that; she just needed to get her belongings from inside her room. Ms. [REDACTED] tells the officers, "you guys can come inside the room, and know that I'm just getting that [her belongings]." PO [REDACTED] says okay. Ms. [REDACTED] proceeds to ask the officers what precinct they were from, and PO [REDACTED] responds, "101." At 11:49, PO [REDACTED] asks Ms. [REDACTED] what items she needed to retrieve. Ms. [REDACTED] says, "... jacket, purse ... you guys can come in" and she proceeds to walk inside her room. PO Cepeda remains in the hallway, but briefly turns towards the room and the door is open, and PO [REDACTED] PO [REDACTED] and [REDACTED] are visible, standing inside the room. The three officers are standing and observing, and not otherwise touching or looking around or inside of Ms. [REDACTED] items or room. Similarly, at the 12:04 mark of PO [REDACTED] BWC, PO [REDACTED] and PO [REDACTED] enter Ms. [REDACTED] room. PO [REDACTED] stands in front of the bed, closest to the front door, which is Ms. [REDACTED] bed. PO [REDACTED] stands about two to three feet behind PO [REDACTED] near the front door. At 13:33, PO [REDACTED] turns around and behind him, directly in front of the front door, is PO [REDACTED] Then, PO [REDACTED] PO [REDACTED] PO [REDACTED] and Ms. [REDACTED] exit the room. At no point did any of the remaining officers enter or search the room. Furthermore, at no point did PO [REDACTED] PO [REDACTED] or PO [REDACTED] search through anything in Ms. [REDACTED] room or any of her personal items (BR 02, 05, 08, and 10).

Consent is voluntary when it is a true act of the will, an unequivocal product of an essentially free and unconstrained choice. Voluntariness is incompatible with official coercion, actual or implicit, overt or subtle. *People v. Gonzalez* 39 N.Y.2d 122 (1976) (BR 16).

Although Ms. [REDACTED] testified that the officers asked her to enter her room and she felt like she had no option to tell them no, the BWC discredited Ms. [REDACTED] statement, as the footage clearly shows that none of the officers asked her to enter her room. Instead, the BWC clearly shows that Ms. [REDACTED] voluntarily offered for the officers to enter her room, not once, but twice, in which only PO [REDACTED] PO [REDACTED] and PO [REDACTED] decided to enter. Thus, the investigation determined that Ms. [REDACTED] offer for the officers to enter her room was voluntary and free of unconstrained choice, as none of the officers asked, mentioned, or appeared to have planned to enter her room until Ms. [REDACTED] offered officers the opportunity to do so. It is therefore recommended that **Allegations AE and AF** be closed as **exonerated**.

The BWC further discredited Ms. [REDACTED] testimony that the officers searched through her closet and dresser, as the footage does not show the officers searching through anything in Ms. [REDACTED] room. Thus, the investigation determined that PO [REDACTED] and PO Rahamn did not search Ms. [REDACTED] room. It is therefore recommended that **Allegations AH and AI** be closed as **unfounded**.

As stated earlier, PO [REDACTED] had resigned as of July 21, 2021, per the DAO's records.

Thus, it is recommended that **Allegations AD and AG** be closed as **miscellaneous – subject resigned**.

Allegation (AJ) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] forcibly removed [REDACTED] to the hospital.

Allegation (AK) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] forcibly removed [REDACTED] to the hospital.

Allegation (AL) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] forcibly removed [REDACTED] to the hospital.

Allegation (AM) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Dominick Penna forcibly removed [REDACTED] to the hospital.

Allegation (AN) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer Manuel Cepeda forcibly removed [REDACTED] to the hospital.

Allegation (AO) Abuse of Authority: At 10-21 Beach 21st Street in Queens, Police Officer [REDACTED] forcibly removed [REDACTED] to the hospital.

Ms. [REDACTED] testified that during the incident, PO [REDACTED] asked Ms. [REDACTED] if she suffered from any mental illnesses and if she was on any medication. Ms. [REDACTED] told PO [REDACTED] that she did not have a mental health disorder. PO [REDACTED] proceeded to inform Ms. [REDACTED] that the shelter staff members told the police that they wanted Ms. [REDACTED] to go to the hospital. At no point were any shelter staff members present during Ms. [REDACTED] interaction with the police. Ms. [REDACTED] told PO [REDACTED] "fine, I'll go to the hospital." After gathering her belongings, the officers escorted Ms. [REDACTED] out of the shelter without placing her in handcuffs or any restraints. Ms. [REDACTED] entered the ambulance on her own and PO [REDACTED] rode with Ms. [REDACTED] to St. John's Episcopal hospital. The remaining officers followed the ambulance in their patrol vehicles (BR 01).

Ms. [REDACTED] refused to provide the investigation a signed HIPPA form in order for the investigation to obtain her medical records from the date of the incident.

At the 6:56 mark in PO Cepeda's BWC, Ms. [REDACTED] approaches PO Cepeda and Ms. [REDACTED] says, "I think I'm going to EDP her [Ms. [REDACTED]] PO Cepeda says, "you want to EDP her?" and Ms. [REDACTED] says, "yes." PO Cepeda tells PO [REDACTED] that Ms. [REDACTED] wants to EDP Ms. [REDACTED] Then at the 7:32 mark, Ms. [REDACTED] says to PO Cepeda and PO [REDACTED] that Ms. [REDACTED] was presenting delusional behavior and is going to keep calling the police if she is not removed (BR 02;08).

An AIDED report was created for this incident, which stated that officers responded to the shelter because Ms. [REDACTED] reported that she had orders of protection against shelter staff. The report further stated that officers' investigation showed that there were no orders of protection, and the shelter staff asked officers to remove Ms. [REDACTED] and she was removed from the location for a psychiatric evaluation (BR 17).

According to NYPD Patrol Guide Procedure 216-01, uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner (BR 18).

As shown on BWC, the shelter staff requested that officers call an ambulance to remove Ms. [REDACTED] to the hospital due to Ms. [REDACTED] perceived mental state. Therefore, the decision to remove Ms. [REDACTED] to the hospital was ultimately requested by shelter staff; thus, the officers on scene acted in accordance with their wishes. It is therefore recommended that **Allegation AJ**, as well as **Allegations AL-AO**, be closed as **exonerated**.

As stated earlier, PO [REDACTED] had resigned as of July 21, 2021, per the DAO's records. Therefore, it is recommended that **Allegation AK** be closed as **miscellaneous – subject resigned**.

Allegation (AP) Offensive Language: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] made remarks based on [REDACTED] gender identity.

Allegation (AQ) Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

Allegation (AR) Offensive Language: At St. John's Episcopal Hospital in Queens, Police

Officer [REDACTED] made remarks to [REDACTED] based upon the gender of [REDACTED]

Allegation (AS) Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

Allegation (AT) Offensive Language: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] made remarks to [REDACTED] based upon the perceived mental disability of [REDACTED]

Allegation (AU) Discourtesy: At St. John's Episcopal Hospital in Queens, Police Officer [REDACTED] spoke discourteously to [REDACTED]

Ms. [REDACTED] testified that all the officers who were at the shelter were inside the hospital with her as she waited for hospital staff. While Ms. [REDACTED] waited for hospital staff, PO [REDACTED] called Ms. [REDACTED] a “tranny”, “whore”, “slut”, and “crazy” (Ms. [REDACTED] did not specifically recall the contexts in which she was called the aforementioned words) (BR 01).

In PO [REDACTED] BWC, officers and Ms. [REDACTED] are standing in the hospital’s hallway. Ms. [REDACTED] is speaking to the officers; however, she is inaudible, as the audio does not begin until the 1:00 minute mark. At 1:00 minute mark, Ms. [REDACTED] tells the officers that everything needs to be recorded and “this person just made a threat towards me.” Ms. [REDACTED] points to the person she is referring to that allegedly made a threat towards her; however, the person is not in the frame. In addition, the alleged threats were not captured, as there was no audio prior to the 1:00 minute mark. However, in the beginning of PO [REDACTED] BWC, it is clear that Ms. [REDACTED] is pointing to him; however, there is no audio in the beginning of his BWC. Then, at the 1:20 mark in PO [REDACTED] BWC, PO [REDACTED] says something to PO [REDACTED] however, the contents of what he states is not clear. PO [REDACTED] responds, “yeah, you can if there's a circumstance, yeah. She's making an allegation. Turn it [BWC] on.”

PO [REDACTED] (BR 33) did not recall speaking with Ms. [REDACTED] at the hospital, as she had established a rapport with PO [REDACTED] though he did remember Ms. [REDACTED] “yelling stuff out,” as the officers were talking amongst themselves. PO [REDACTED] did not remember what the officers were speaking about, but knew it was not about Ms. [REDACTED] PO [REDACTED] denied calling Ms. [REDACTED] a “tranny,” “whore,” “slut,” or “crazy.”

PO [REDACTED] (BR 34), who was also at the hospital, testified that Ms. [REDACTED] and PO [REDACTED] did not engage in any kind of verbal dispute while at the hospital, though Ms. [REDACTED] was generally agitated toward all of the officers. PO [REDACTED] denied hearing PO [REDACTED] call Ms. [REDACTED] a “tranny,” “whore,” “slut,” or “crazy.”

The investigation credits the testimonies of PO [REDACTED] and PO [REDACTED] that PO [REDACTED] did not call Ms. [REDACTED] a “tranny,” “whore,” “slut,” or “crazy” at the hospital. Although there is no audio component for the first minute of body-worn camera footage, a preponderance of the evidence suggests that PO [REDACTED] did not use these derogatory terms for the following reasons: (1) Ms. [REDACTED] alleged that PO [REDACTED] used the exact same derogatory terms at Pam’s Place Shelter, which all of the officers’ body-worn camera footage unfounded and (2) both PO [REDACTED] and PO [REDACTED] denied that the statements were ever made. As such, it is recommended that Allegations AP – AU be closed as **unfounded**.

Allegation (AV) Other: Police Officer [REDACTED] failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.

Allegation (AW) Other: Police Officer Dominick Penna failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.

Allegation (AX) Other: Police Officer Manuel Cepeda failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.

Allegation (AY) Other: Police Officer [REDACTED] failed to prepare a memo book entry as required by NYPD Patrol Guide Procedure 212-08.

PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] failed to prepare memo book entries

for this incident.

Per NYPD Patrol Guide Procedure 212-08, all uniformed members of service below the rank of captain, except members performing permanent administrative or clerical duties, will record their daily activities in the digital Activity Log application on the Department smartphone (BR 29).

Because PO [REDACTED] PO Penna, PO Cepeda, and PO [REDACTED] failed to prepare memo book entries as required, it is therefore recommended that **Allegations AV-AY** result in **other possible misconduct noted (OMN)** for the NYPD to investigate.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which Ms. [REDACTED] has been a party (BR 30).
- PO [REDACTED] has been a member-of-service for 14 years and has been a subject in five CCRB complaints and nine allegations, none of which were substantiated. PO [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO [REDACTED] has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Penna has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject.
- PO Cepeda has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject.
- PO [REDACTED] has been a member-of-service for nine years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. PO Corroado's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of October 27, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 31).
- According to the Office of Court Administration (OCA), between December 4, 2019 and October 20, 2021, Ms. [REDACTED] was convicted of assault in the third degree (once) and disorderly conduct (once) and received imprisonment. OCA does not list any other convictions (BR 32).

Squad: 14

Investigator	<u>Casey McCann</u>	<u>SI Casey McCann</u>	<u>12/03/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Cassandra Fenkel</u>	<u>IM Cassandra Fenkel</u>	<u>12/3/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date

